IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

W.A.No.1842 of 2007

AGAINST THE JUDGEMENT IN WPC.19999/2007 DATED 29/06/2007

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APPELLANT: PETITIONER:-

V.V. ANILKUMAR,
VELLAMPARAMBIL HOUSE, P.O. PAZHAYI,
(VIA) PUDUKKAD, THRISSUR.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS: RESPONDENTS:-
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1. REGIONAL TRANSPORT AUTHORITY,THRISSUR.

2. SECRETARY,
REGIONAL TRANSPORT AUTHORITY, THRISSUR.

3. C.D. JOY,
CHEMMAYATH HOUSE, NEDUMPAL, THOTTIPAL, THRISSUR.

R1 & R2 BY SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A. No. 1842 of 2007

Dated this the 18th day of August, 2007.

J U D G M E N T

H.L.Dattu, C.J.

This appeal arises out of the order passed by the learned Single Judge in W.P.(C).No.19999 of 2007. The main prayers sought for in the writ petition by the petitioner was to direct the first respondent namely, the Regional Transport Authority, Thrissur to consider the representations filed by the petitioner dated 23-11-2006 and 4-6-2007 respectively.

(2). The learned Single Judge has rejected the writ petition solely on the ground that the existing operator has no right to question the decision of the Regional Transport Authority.

(3). As we have already indicated the petitioner came before this court with a grievance that the representations made by the petitioner before the Ist respondent has not been considered. Therefore, he was seeking for a direction to the respondent to consider and pass appropriate orders on the representations filed by him. In our view, the learned Single Judge, without going into the other details of the case ought to have confined to the prayer made in the writ petition and thereafter issued appropriate direction to the respondents. That is not done in the instant case. WE cannot sustain the impugned order passed by the learned Single Judge. Therefore, the order passed by the learned Single Judge is set aside.

(4). The Regional Transport Authority, Thrissur is directed to consider the representations said to have been filed by the petitioner dated 23-11-2006 and 4-6-2007 after hearing the petitioner and third respondent in the writ petition as expeditiously as

possible and at any rate within one month from the date of receipt of a copy of this judgment.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS